

STATUS OF CLAIMS

Claims 1-14, 17-30, 33, and 34 have been amended.

Claims 8 and 23 have been amended as independent claims to recite the limitations of the original claim 1.

Claims 1-7, 19, 20-22, 24, 25, 27 and 32 have been amended to distinctively point out the subject matter which the Applicants regard as the invention.

Claim 9-14, 17, 18, 26, 28-30 and 33-34 have been amended to cure grammatical errors and/or informalities.

Claims 15, 16, 31, and 32 are canceled.

The Applicants respectfully assert that the amendments and additions to the claims add no new matter.

REMARKS

Applicant kindly thanks the Examiner for allowing claims 8 and 23 subject to the objection. Applicant has amended claims 8 and 23 as independent claims to recite the limitations of the original claim 1.

Applicant respectfully requests favorable reconsideration of the amended claims in view of the foregoing amendments and the following remarks.

The specification has been amended to add a cross reference to the U.S. provisional priority application. No new matter has been added.

In response to the Office Action, Applicant cancelled claim 15, 16, 31, and 32. Applicant further amended claims 1-14, 17-30, 33, and 34. No new matter has been added. Therefore, claims 1-7, 9-14, 17-22, 24-30, 33 and 34 stand rejected. This rejection is respectfully traversed.

Claims Rejections under 35 USC § 102

In the Office Action, the Examiner has rejected Claims 1-3, 5, 9, 12, 22, 25, 28 and 30 under USC 102(b) as being anticipated by Chien, U.S. Patent Number 6,512,478 (hereinafter: "Chien").

In response to the Office Action, Applicant amended claims 1 and 25 responsive to Examiner's arguments.

Amended claim 1 now includes *inter alia* an application software arranged to perform calculations based on measurements of communication signal characteristics between the at least one field beacon and the base beacons of the central collector; and further arranged to enable the identification of points' exact position within the given structure, wherein at least one field beacon is positioned on every identified point and the at least three base beacons are set at positions within the given structure; and a module creating a three-dimensional visual model of the given structure based on the identification and calculations of points' exact position within the given structure.

Amended claim 1 is amended in view of the specification, which teaches *inter alia* "The exact position or movement of the identified points is incorporated within a three-dimensional visual model of the building." (paragraph 14), "automatically extracting a three-dimensional virtual model, plans, elevations and sections drawings based on these measurements" (paragraph 24), "The computer can then accurately build a three dimensional virtual models, plans, elevations and sections drawings of the measured construction." (paragraph 31) and so on.

Chien teaches a system for tagging and locating objects passing through a general area comprising a plurality of tags deployed within a general area such that at least one of the tags is likely to contact and become attached to at least one object upon the at least one object passing through the general area.

Applicant submits that amended claims 1 teaches *inter alia* a system identifying the exact position of identified points and does not rely on likeliness that the tags contact the point, as Chien

teaches. Furthermore, amended claims 1 teaches *inter alia* creating a three-dimensional visual model of the given structure, incorporating the exact position of the identified points, which is entirely out of the scope of Chien.

Applicant submits that amended claim 1 is distinguishable from the prior and as amended, points out this distinction clearly. Therefore, amended claim 1 is novel and patentably defines over Chien.

Applicant submits that claims 2, 3, 5, 9, 12 and 22 all depend on amended claim 1 and are therefore novel over Chien by virtue of their dependencies.

Amended claim 25 now includes *inter alia* the stage of generating computerized drawings of the given structure based on the performed calculations.

Chien teaches a method for locating objects comprising: providing a tag unit for transmitting a first signal containing identifying information, deriving, from the first signal, information concerning a location of the tag unit; transmitting a further signal, from the relay unit, containing the derived information concerning the location of the tag unit; receiving the further signal in a tag location determination unit; and processing the further signal within the tag location determination unit to derive the location of the tag unit.

Applicant submits that amended claims 25 teaches *inter alia* generating computerized drawings of the given structure based on the performed calculations which are not mentioned in Chien.

Applicant submits that amended claim 25 is thus functionally distinguishable from the prior art and points out this distinction clearly. Therefore, amended claim 25 is novel and patentably defines over Chien.

Applicant submits that amended claims 28 and 30 depend on amended claim 25 and are therefore novel over Chien by virtue of their dependencies.

Claims Rejections under 35 USC § 103

Claims 4, 6-7, 10-11, 13-14, 17-20, 24, 26-27, 29 and 33-34 were rejected under 35 U.S.C.

§103(a) as being unpatentable over Chien.

Applicant's remarks to the Claims Rejections under 35 USC § 102 are incorporate herein.

Applicant submits that creating a three-dimensional visual model of the given structure based on the identification and calculations of points' exact position within the given structure – requires calculating parameters of the three-dimensional visual model from the measurements of communication signal characteristics. These calculations include employing geometrical algorithms that are not at all mentioned in Chien, as a three-dimensional visual model is not intended to be constructed in Chien's teaching.

Applicant submits that the module creating a three-dimensional visual model of the given structure based on the identification and calculations of points' exact position within the given structure – is a new entity in the system, not mentioned nor suggested by Chien. Accordingly, Amended Claim 1 should be considered non-obvious in relation to Chien. Applicant submits that claims 4, 6-7, 10-11, 13-14, 17-20 and 24 all depend on amended claim 1 and are therefore non-obvious over Chien by virtue of their dependencies.

Amended claim 25 now includes *inter alia* the stage of generating computerized drawings of the given structure based on the performed calculations, which is not mentioned nor suggested by Chien, and is in fact a new concept in relation to Chien. Accordingly, Amended Claim 25 should be considered non-obvious in relation to Chien. Applicant submits that claims 26-27, 29 and 33-34 all depend on amended claim 25 and are therefore non-obvious over Chien by virtue of their dependencies.

Claims 15, 16, 21 and 31-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chien in view of Wadell et al., U.S. Patent Number 6,204,813 (hereinafter: "Wadell").

Applicant cancelled claims 15, 16, 31 and 32.

Applicant submits that Amended Claim 1 teaches *inter alia* limitations that were objected to as Claims 15, 16 and 21.

Applicant's remarks to the Claims Rejections under 35 USC § 102 and to the Claims Rejections under 35 USC § 103 in view of Chien are incorporate herein.

Amended Claim 1 now includes *inter alia* a module creating a three-dimensional visual model of the given structure based on the identification and calculations of points' exact position

within the given structure.

Wadell teaches (Col 3, line 34 – Col 4, line 21) a radio frequency (RF) positioning system that determines the position of multiple objects, in a local area such as an indoor playing field, with centimeter resolution without the use of precision clocks by employing transceivers proximate to the objects being tracked that are capable of receiving instructions to transmit certain data at certain times. The radio frequency positioning system further determines the identity and positional data such as location, velocity, and acceleration of numerous objects. The system may further comprise a memory used to store the identity and the positional data of the objects, and a video processor used to display the identity and the positional data of the objects on a video display terminal.

Wadell further teaches (Col 6, lines 36-54) that data representing past movements or statistical data about the object being tracked, may be accessed by a video processing system such as a Chyron system and converted into high quality graphic images.

Applicant submits that whereas Wadell teaches generating video images of multiple objects in an area, Amended Claim 1 teaches *inter alia* constructing a three-dimensional visual model of the given structure, which requires calculating parameters of the three-dimensional visual model from the measurements of communication signal characteristics, e.g. by employing geometrical algorithm.

Specifically, Wadell neither generates images of the structure, nor does Wadell endeavor to create a three-dimensional visual model based on their measurements and thus does not teach the use of calculations that utilize the measurements of communication signal characteristics for creating thereof.

Applicant submits that Chien and Wadell must also teach or suggest each and every claim feature. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Specifically, neither Chien nor Wadell teach a module that creates a three-dimensional visual model of the given structure based on the identification and calculations of points' exact position within the given structure, which is an elements recited in the claimed invention as amended. Therefore, Applicant respectfully submits that the Office failed to establish *prima facie* obviousness of a claimed invention.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the

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additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

Fees for a one month extension of time and an extra independent claim are believed to be for this submission and are being paid via credit card. However, please charge any required fee (or credit overpayments) to the Deposit Account of the undersigned, Account No. 500601(Docket No. 7044-X06-018).

Respectfully submitted,

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